

Message Text

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ACTION ORM-02

INFO OCT-01 EA-07 IO-13 ISO-00 SSO-00 DHA-02 INSE-00

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FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 1228

AMCONSUL HONG KONG IMMEDIATE

AMEMBASSY RANGOON IMMEDIATE

INFO AMEMBASSY BANGKOK PRIORITY

AMEMBASSY JAKARTA PRIORITY

AMEMBASSY KUALA LUMPUR PRIORITY

AMEMBASSY MANILA PRIORITY

AMEMBASSY SINGAPORE PRIORITY

AMEMBASSY TAIPEI PRIORITY

AMEMBASSY TOKYO PRIORITY

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E.O. 11652: N/A

TAGS: SREF

SUBJ: INDOCHINESE REFUGEES - BOAT CASES

REF: (A) STATE 174502; (B) HONG KONG 8368 (NOTAL)

1. IN COMPLIANCE WITH REF A, MISOFF MET WITH DEPUTY UNHCR MACE, DIRECTOR UNHCR ASSISTANCE DIVISION AND OTHER OFFICIALS INVOLVED ON JULY 15 TO EXPRESS STRONG USG CONCERN OVER PLIGHT OF INDOCHINESE REFUGEES ESCAPING BY BOAT INTO OPEN SEAS, WITH PARTICULAR REFERENCE TO AVA CASE.

2. UNHCR OFFICIALS STATED COMMISSIONER AND HIS OFFICE ARE AWARE OF GRAVITY OF PROBLEM AND THAT FORMER HAD SPOKEN OF HIS DEEP CONCERN OVER SITUATION IN AD HOC INFORMATION MEETING WITH MEMBERS OF UNHCR EXECUTIVE COMMITTEE IN GENEVA ON JUNE 25. AT
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THIS SESSION, HIGH COMMISSIONER SADRUDDIN AGA KHAN IN SPEECH

REVIEWING UNHCR ACTIVITIES AND PRE-OCCUPATIONS (COPY WHICH PROVIDED MISOFF) SPOKE OF "NEW PHENOMENON ... OF PERSONS LEAVING (INDOCHINA) CLANDESTINELY ON SMALL BOATS". HE NOTED THAT WHILE UNDER "LIBERAL IMPLEMENTATION OF BRUSSEL CONVENTION OF 1910" VESSELS OF SEVERAL COUNTRIES HAD "SAVED THOUSANDS OF LIVES OF REFUGEES ... ON HIGH SEAS" AND ALTHOUGH SOME HAD FOUND TEMPORARY ASYLUM AT UNHCR'S REQUEST, "PERMANENT SOLUTIONS" FOR THESE REFUGEES WERE STILL BEING SOUGHT. HE NOTED DIFFICULTIES IN LANDING REFUGEES AT NEXT PORT OF CALL WHEN RESETTLEMENT OPPORTUNITIES WERE NOT IMMEDIATELY AVAILABLE FOR THEM. DESCRIBING PLIGHT OF THOSE WHO WERE OBLIGED TO CONTINUE LIVING ON "FRAGILE VESSELS" WITHIN SIGHT OF SHORE, SADRUDDIN OBSERVED THAT MANY CHILDREN, OLD PERSONS AND PREGNANT WOMEN ARE BEING EXPOSED TO SEVERE HARDSHIPS AND ARE IN DIRE NEED OF ASSISTANCE. WITH THIS BACKGROUND, HIGH COMMISSIONER SAID THAT PROBLEM MUST BE ELIMINATED "THROUGH COMBINED EFFORTS OF COUNTRIES OF TRADITIONAL IMMIGRATION AND OTHERS CAPABLE OF ABSORBING THEM." HE SUGGESTED ONE POSSIBILITY ON WHICH UNHCR CURRENTLY WORKING IS SCHEME SOMEWHAT SIMILAR TO "TEN OR MORE PLAN." STATING THAT HIS OFFICE WOULD TAKE MEASURES TO SAFEGUARD AGAINST POSSIBILITY OF THIS BECOMING VEHICLE FOR "BACK-DOOR ENTRY," SADRUDDIN PROPOSED THAT "TRADITIONAL COUNTRIES OF IMMIGRATION" CONSIDER POSSIBILITY OF ESTABLISHING QUOTAS FOR THESE CASES WHERE COUNTRIES OF FIRST ASYLUM CANNOT ABSORB REFUGEES. MISOFF WAS INFORMED THAT THESE REMARKS AND THOUGHTS ARE BEING FOLLOWED WITH UNHCR APPEAL ON THIS SUBJECT WHICH IS EXPECTED TO BE ISSUED TODAY (JULY 16). APPEAL WILL ALSO URGE THAT GOVERNMENTS AT FIRST PORTS OF CALL PERMIT REFUGEES TO LAND. MISOFF WAS PROMISED TEXT OF APPEAL AS SOON AS IT FINALIZED, WHICH WILL BE COMMUNICATED PROMPTLY TO ADDRESSEES UPON RECEIPT.

3. IN SPECIFIC CASE OF AVA, UNHCR REPS EXPLAINED THAT HKG OFFICIALS POSTURE AGAINST LANDING OF INDOCHINESE REFUGEES PROMPTED BY "POLITICAL CONSIDERATIONS" OF RELATIONS WITH CHINESE AND "LOCAL POPULATION PROBLEMS." THEY OBSERVED THAT U.K. ADHERENCE TO 1951 REFUGEE CONVENTION DID NOT INCLUDE HONG KONG AMONG AREAS WHERE REFUGEES MIGHT BE FREELY LANDED, ALTHOUGH THIS ARGUMENT, TO THE BEST OF LIMITED OFFICIAL USE

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THEIR KNOWLEDGE, HAD NOT BEEN USED BY BRITISH OR HKG AUTHORITIES THUS FAR.

4. AS FOR INSTRUCTIONS TO UNHCR REPRESENTATIVES TO URGE HOST GOVERNMENTS TO PERMIT REFUGEES TO LAND AND PROVIDE REASONABLE ASSISTANCE, REPS STATED THIS STANDING INSTRUCTION ISSUED BY UNHCR HQ IN MAY 1975 AND FOR WHICH NEW UNHCR POSTS WERE SPECIFICALLY OPENED AT SINGAPORE, KUALA LUMPUR,

MANILA AND HONG KONG. (LATTER LATER SHUT DOWN.) SUBJECT OF UNHCR PROVISION OF CARE AND MAINTENANCE AND SEEKING RESETTLEMENT OPPORTUNITIES WILL BE DEALT WITH IN FORTH-COMING APPEAL AND WAS ALSO INCLUDED IN 1975 INSTRUCTION TO POSTS IN AREA.

5. UNHCR REPS DISCOUNTED POSSIBILITY OF REFOULEMENT MEASURES BEING TAKEN BY HKG, OR BURNESE, STATING THIS OUT OF CONSIDERATION AND WOULD STIR STRONGEST REACTION FROM UNHCR IF ATTEMPTED OR RAISED AS POSSIBILITY. MISOFF POINTED OUT THAT WHILE REFOULEMENT MIGHT NOT BE TAKEN AS FORMAL POSITIVE ACTION BY ANY OF PARTIES CONCERNED, IT COULD RESULT DE FACTO FROM REFUSAL OF COUNTRIES CONCERNED TO PERMIT LANDING OF REFUGEES AND, THEREFORE, FORCE THEM AGAIN UPON HIGH SEAS. THIS POINT NOT CONTRADICTED BY UNHCR REPS. HOWEVER, THEY NOTED THAT UNDP RES REP HAD ALREADY TAKEN UP MATTER IN RANGOON IN CONTEXT RESPONSIBILITIES OF BURMESE GOVERNMENT, AND THAT UNHCR WAS IN CLOSE TOUCH WITH THE BRITISH WHO HAD CALLED IN BURMESE AMBASSADOR IN LONDON YESTERDAY MORNING TO DISCUSS SUBJECT.

6. COMMENT: IMPRESSION GIVEN WAS THAT UNHCR ON TOP OF PROBLEM AND GIVING IT FULLEST AND URGENT TREATMENT. INTERVENTION WAS USEFUL, HOWEVER, IN STRESSING KEEN USG INTEREST IN MATTER AND EMERGENCY ASPECTS OF SITUATION AS WE PERCEIVE IT. SENSE CONVEYED BY REF B THAT SPECIFIC SITUATION WITH RESPECT TO AVA MOVING FAVORABLY, IF SLOWLY, SHARED BY MISSION AS RESULT THIS CONVERSATION. MISSION WILL COMMUNICATE FURTHER DEVELOPMENTS HERE AS THEY ARE RECEIVED.DALE

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